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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,463	07/22/2003	Mark Pike	14031.1US01	9154
23552	7590	08/10/2005	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			DIXON, MERRICK L	
			ART UNIT	PAPER NUMBER
			1774	
DATE MAILED: 08/10/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/625,463

Applicant(s)

PIKE, MARK

Examiner

Merrick Dixon

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) 45-53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 and 54-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
MERRICK DIXON  
PRIMARY EXAMINER

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/26/04; 9/29/03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 1774

1

Applicants' election of claims 1-44 and 54-58, without traverse, on 5-31-05, is acknowledged.

2

The abstract of the disclosure is objected to because it contains the legal word, "comprising". Correction is required. See MPEP § 608.01(b).

3

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4

Claims 1-44 and 54-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans (US 6616971 B2) in view of Shaw et al (US 4643940).

The cited primary reference to Evans teaches the basic claimed invention including a composite structural material comprising a nylon fiber of specific diameter dispersed in a fused matrix – col 1, lines 28-35; col 3, lines 24-42; col 6, lines 4-11; col 6, lines 49-53; col 8, lines 51-55; col 6, lines 45-53; col 7, lines 24-37. The reference teaches flexurel properties- Table 1. Although the primary reference teaches fiber sizes( col 7, lines 59-62; Fig 4. ), it fails to expressly teach the claimed fiber length. The secondary

Art Unit: 1774

reference to Shaw et al, however, teaches that it is known in the art to form similarly fibrous impregnated resin articles as taught by the primary reference with fiber of similarly claimed dimensions- col 1, lines 40-48; col 3, lines 36-45. It is noted the secondary reference teaches carpet material in col 7, lines 40-43. It would have been obvious to one of ordinary skill in the art at the time the invention is made to facilitate the primary reference with similarly claimed lengths- fibers, in the absence of unexpected results, motivated by the desire to produce articles of desired characteristics/properties—col 2, lines 66-69. Concerning claims 18 and 40, the secondary reference teaches dye additives in col 4, lines 34-36. concerning claims 20 and 42, the primary reference teaches fiber dimensions, also, col 6, lines 50-53. concerning claims 19 and 41, the secondary reference teaches fiber thickness in col 8, lines 5-6; col 9, lines 48-51. Both reference teaches flexural properties for their respective fiber material( primary reference, col 12, Table 1; secondary reference, col 3, lines 13-15. the primary reference teaches fiber diameter in col 7, lines 16-25 as required by claims 5,21 and 25. concerning claims 13,14,15,16, and 35-38, both reference teaches strengths characteristics for their respective material( primary reference, col 4, lines 46-51; secondary reference, col 2, lines 66-68). It is noted the reference teaches manipulation of the included material to obtain desired properties. Concerning claims 17 and 39, it is submitted such water absorption properties could also be obtained via manipulation of the included material of the resultant product, in the absence of unexpected results. Concerning claims 2-4, 8-11,22,28,56,23,29,57,24,30 and 58, it is submitted both references teaches the claimed nylon material( see above;

Art Unit: 1774

also see references), it is respectfully submitted, as relating to the amounts thereof, the specifically claimed amounts would have been obvious in the cited reference in the absence of unexpected results specifically as the references teach adding specific amounts of specific material to effect and impart desired product characteristics- see above. Additionally, such claimed material amounts would have been obvious in the claimed references, if not taught, because it has long been held in the art that where the general conditions of a claim are disclosed in the prior art, as is the instant situation, discovering the optimum or workable range involves only routine skill in the art. In re Aller, 105 USPQ 233.

5

Applicants who wish to send a facsimile (draft copies) for the examiner's immediate review can do so by using the Examiner's personal fax number at 571-273-1520. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 ( November 15, 1989). **NOTE: All facsimiles sent to the examiner's**

**personal fax number should be in draft-forms and will be treated as informal.**

**Same facsimiles will not be entered** in the related applications unless otherwise agreed and noted by the examiner.

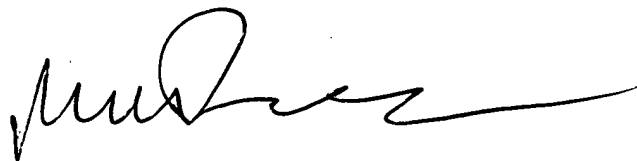
**The fax number for all other facsimile is 703-872-9306.**

Art Unit: 1774

Information about **the status of an application** may be obtained from the Patent Information Retrieval system (**Private PAIR**).

Status inquiries for **published applications** may be retrieved from either **Private PAIR** or **Public PAIR**. Questions about the PAIR system should be directed to the Electronic Business Center at **866-217-9197**.

Any questions concerning the instant communication should be directed to Examiner Dixon, at 571-272-1520, Mondays to Thursdays, between 12 noon and 8 PM, eastern time. The examiner's supervisor, Mrs. Rena Dye, can be reached at 571-272-3186.

A handwritten signature in black ink, appearing to read 'Merrick Dixon', with a long horizontal flourish extending to the right.

Merrick Dixon

Primary Examiner

Group 1700